

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE MAY 9, 2000

AMENDED IN SENATE MAY 2, 2000

AMENDED IN SENATE APRIL 24, 2000

SENATE BILL

No. 1629

Introduced by Senator Sher

February 22, 2000

An act to add Section 894.5 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1629, as amended, Sher. Highways: pedestrian and bicycle access.

(1) Existing law requires the Department of Transportation to publish a statewide map illustrating state highway routes available for the use of bicycles, and, where bicycles are prohibited from using a state highway, illustrating alternative routes available to the bicyclist. Existing law requires the department to establish design and safety criteria for bicycle roadways. Existing law authorizes a local authority to establish bikeways, and creates the Bicycle Transportation Account in the State Transportation Fund to provide funds for bicycle transportation.

This bill would require bicycle and pedestrian access to be included on all highways and toll bridges constructed, as

defined, after a specified date unless ~~exceptions are found by~~ the responsible agency *determines that there are exceptions* after ~~a~~ *an open and public hearing meeting*, as prescribed. The bill would also make legislative findings and declarations.

To the extent that this bill would require local entities to construct pedestrian and bicycle paths in conjunction with construction of highways, it would impose a state-mandated local program.

These provisions would become operative on January 1, 2002.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 894.5 is added to the Streets and
2 Highways Code, to read:

3 894.5. (a) The Legislature finds and declares all of
4 the following:

5 (1) The use of highways for purposes of travel and
6 transportation is a common and fundamental right, and
7 that all persons have an equal right to use these
8 thoroughfares for travel by appropriate means, and with
9 due regard to the rights of others.

10 (2) It is the policy of this state to provide an integrated
11 and balanced transportation system for the use of all
12 persons, including the young, the elderly, the
13 disadvantaged, and those with disabilities.

(3) Enabling the public to use a variety of travel modes, including walking and bicycling, contributes to the public health, facilitates access to schools, jobs, shopping, recreation, and other daily needs, and creates a sense of local community identity and pride.

(4) Making streets and roads more usable by pedestrians and bicyclists reduces traffic congestion on those streets and roads.

(5) In order to maximize these benefits, the design of the highways of California should address the needs of nonmotorized, as well as motorized transportation.

(b) (1) This section shall be known and may be cited as the Good Roads for the 21st Century Act.

(2) This section does not apply to either of the following:

(A) A highway for which the final design has been approved *on or before January 1, 2002*, by the department or by the appropriate local authority, if the department or local authority begins work or awards a contract for work on or before January 1, 2003.

(B) A toll bridge project authorized pursuant to Sections 30913 and 30914, as authorized by those sections in their form as added by Section 2 of Chapter 406 of the Statutes of 1988.

(c) Every highway, other than a freeway, constructed by the department or local authority shall include sidewalks, paths, walkways, or equivalent facilities on both sides of the highway for use *by pedestrians*.

(d) (1) Every highway, other than a freeway, constructed by the department or local authority shall include accommodations for bicycle travel.

(2) The accommodation shall be by shared roadway or by bike lane as described in subdivision (b) of Section 890.4. For purposes of this section, a shared roadway includes a shoulder.

(3) All facilities constructed to accommodate bicyclists under this section shall conform to the minimum safety design criteria and uniform standards established by the department pursuant to Sections 890.6 and 890.8.

(e) Except as provided in subparagraph (B) of paragraph ~~(3)~~ (2) of subdivision (b), every new toll bridge and every toll bridge that is substantially reconstructed or modified to increase the number of vehicle lanes shall provide a sidewalk or path for use by pedestrians, and a shoulder, bike lane, or bike path for use by bicyclists.

(f) Subdivisions (c) and (d) and paragraph (3) of subdivision (g) do not apply if the responsible agency ~~finds determines~~, after conducting ~~a public hearing an open and public meeting~~, any of the following:

(1) Providing the pedestrian or bicycle access is contrary to public safety.

(2) An alternative route exists that is equally safe and convenient in terms of travel time and effort, or an alternative route meeting these criteria will be provided as part of the construction project.

(3) The cost of the facilities, *including acquisition of rights-of-way*, would be disproportionate to projected need or use.

(4) Sparse population or other factors indicate an absence of any need.

(5) Significant adverse environmental effects would result from inclusion of the facilities.

(6) *Physical constraints, such as steep grades, prevent the addition of sufficient width to accommodate pedestrian or bicycle facilities.*

(7) *Providing pedestrian or bicycle facilities would result in an unused segment.*

(g) (1) For purposes of this section, “construction” means any of the following:

(A) New construction.

(B) Reconstruction *that includes full-depth removal and replacement of the roadbed.*

(C) Replacement.

(D) Modification to increase the number of vehicle lanes, except in the vicinity of toll booths.

(2) For the purposes of this section, “construction” does not include any of the following provided that the

number of vehicle lanes is not increased, except in the vicinity of toll booths:

(A) Resurfacing.

(B) Restoration.

(C) Rehabilitation.

(D) Toll bridge deck replacement.

(E) Toll bridge seismic retrofit.

(F) Installation of, or improvements to, any of the following:

(i) Planting.

(ii) Illumination.

(iii) Traffic control devices.

(iv) Toll booths or restriping in the vicinity of toll booths.

(G) Maintenance.

(H) Other incidental alterations.

(3) Any work described in paragraph (2) performed on a highway or toll bridge by the department or local authority shall not result in a decrease to the existing level of pedestrian and bicycle access and safety features along and across the highway or toll bridge.

(h) This section shall become operative on January 1, 2002.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.